

FILED

APR 21 2005

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: John D. Hugelmeyer
Deputy Attorney General
Tel. (973) 693-5056

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

DAVID HOROWITZ, D.C.
License No. MC 5562

Administrative Action

CONSENT ORDER

TO PRACTICE CHIROPRACTIC :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that: David Horowitz, D.C. (hereinafter "Respondent") had engaged in sexual contact with patient J.S., a married woman with whom he had a patient-chiropractor relationship. On February 17, 2005, Respondent appeared with counsel, Frank J. LaRocca, Esq., at an investigative inquiry into the matter held by the Board, having previously submitted a voluntary affidavit regarding the matter.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, the Board concludes that Respondent has admitted that on several occasions he did engage in sexual contact with J.S. at his office after hours, during the period of time that J.S. was an active chiropractic patient receiving care from him within a patient-chiropractor relationship.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e), by virtue of violations of N.J.A.C. 13:44E-2.3(c). It appearing that Respondent desires to resolve this matter without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS 21 DAY OF APRIL , 2005

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be, and hereby is, suspended for a period of one (1) year, which suspension shall be stayed and served as a period of probation, provided that Respondent adheres fully and completely to the terms and conditions set forth herein and complies fully and completely with all statutes and regulations governing the practice of chiropractic during said period of probation;
2. Respondent shall fully attend, successfully complete and unconditionally pass the ProBE (Professional Problem Based Ethics) course offered by: The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, within the period of probation and provide the Board with documentation of same;
3. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 in connection with the aforesaid conduct. Payment of the civil penalties shall be by certified check or money order made payable to the State of New Jersey and shall be sent to Joanne Boyer, Acting Executive Director, Board of Chiropractic Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45004, Newark, New Jersey 07101. Respondent shall make an initial payment of \$300.00 and eleven (11) monthly payments of \$200.00 per payment. The first payment shall be due within thirty (30) days of the issuance of this order and subsequent payments shall continue to be due by the first of each succeeding month until all twelve payments are completed.

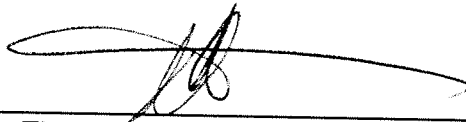
In the event that Respondent does not make a timely payment, the full balance will immediately become due. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25;

4. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$213.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the issuance of this Consent Order. Payment shall be sent to Joanne Boyer at the address described in paragraph 3; and

5. Failure to comply with any provision of this Order or timely remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By:

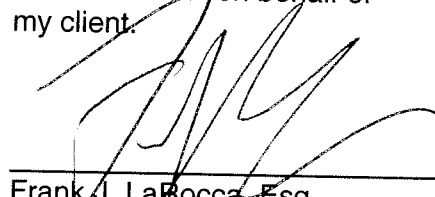


Thomas Senatore, D.C.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

David Horowitz D.C.
David Horowitz, D.C.

I hereby agree to the form and entry of the within Consent Order on behalf of my client.



Frank J. LaRocca, Esq.,
Attorney for Respondent